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April 21, 2014

California Air Resources Board  
1001 I Street  
P.O. Box 2815  
Sacramento, CA 95812

Re: A Call for Some Common Sense

Dear Board Members:

Over the past seven years, I have written sixteen letters attempting to inform you of the problems presented by your PM2.5 regulations on previously owned assets. A few are mentioned herein.

**December 6, 2009**

I delivered a request to "Suspend All Diesel Regulations" to you on this date. I have copied the first couple of paragraphs below for your review:

I am writing as a businessman of some 45 years in California requesting you to suspend all CARB diesel regulations until misconduct and malfeasance in the development of these mandates are properly investigated and it is determined how such official misconduct have resulted in inappropriate regulatory actions and policy making. Over the past 2 years I have strongly recommended that CARB examine its conduct in the affairs of diesel regulation writing and have been ignored.

**I have emphasized in the past that the diesel regs will result in:**

- The annihilation of most small and medium size businesses who do not have the capital and are unable to borrow due to the devastation of their financial statements by CARB's mandated extirpation of their assets. This will result in increasing the unemployment rate substantially culminating in decreasing tax revenues and increasing expenses to the State, which is exactly opposite of what the State should be doing at this time.
- The elimination of used equipment available in California will be the biggest barrier to entry into the market by small contractors as the expense of new is prohibitive to start-ups. This reduces competition, employment and the tax base necessary to support government.

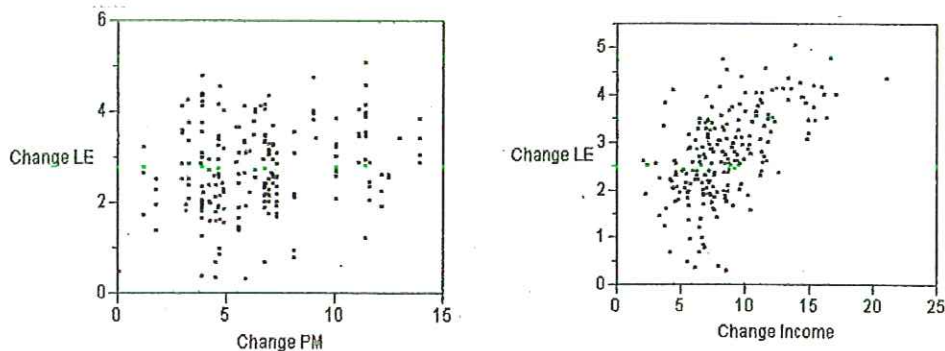
This information in this and other letters sent remains cogent today. It may surprise you to know that *entrepreneurs don't make capital investments based upon mandate from regulatory agencies. These investments are based upon a return on the investment.* In the construction industry today, as it has been for the past 6 years, the return on such investment is negative. There is not enough work available to even make the payments on new purchases, much less provide a return. Therefore, to meet your regulations, businessmen like me will liquidate assets, along with the employment that goes with them.

February 17, 2010

Perhaps you might also want to review my letter to you on this date where I presented (in part) the below information:

A well-known effect of economic hardship and economic recessions and depressions is human health effects as a result of poverty and deprivation, which are caused usually by underemployment or unemployment. The effects of economic deprivation are well known and real, not "assumed" effects. The below chart shows the Mortality Associations with PM2.5 and income.<sup>1</sup>

### Mortality Associations with PM2.5 and Income



Data from Pope CA, Ezzati M, Dockery DW. (2009)  
Fine-particulate air pollution and life expectancy in the United States.  
New England Journal of Medicine 360, 376-386.

This 2009 study shows, at best, a modest (if any) improvement in life expectancy with a decrease in PM2.5. The increase in life expectancy with an improvement of income shows a dramatic change. The income chart was derived from the same data used by Pope et al. **Health and the economy are directly related.** With a vibrant economy, people eat better, have less stress and there are resources to deal with problems. This fact cannot be ignored. The difference between a trivial gain in the air quality through draconian regulation (which at today's ambient levels cannot be proven to cause a single health issue) and the devastation of health from the loss of a job is substantial.

CARB has it exactly backwards! There are real causes of negative health effects and premature deaths and one that is undeniable is UNEMPLOYMENT! Give up on the "twin bogeymen", PM and NOx. Stop chasing ozone, which has no proven negative health effects at all.

<sup>1</sup> Data from Pope et al. NEJM (2009) personal communication to S.S. Young [young@niss.org](mailto:young@niss.org).



June 9, 2011

Another example of evidence I have presented to you is in my letter of June 9, 2011. A brief portion is copied below:

A review of the recently released study by Dr. Michael Jerrett and many co-authors that was posted on June 6, 2011 finds significant evidence that proves once again that California is a very healthy state.

- All 9 studies used show the confidence intervals meeting or crossing 1.0, confirming that there is of NO EFFECT of all cause premature death from PM2.5
- When you have 9 studies chosen by the researchers that include 95% confidence intervals that include 1.0, which means the authors have shown that toxic causation of mortality from PM2.5 is non-existent in California as defined by the results.

**A Call for Some Common Sense:**

The Federal EPA has determined that there is no safe exposure to PM2.5, that it can cause death within hours or days of exposure. The average air in the central valley, according to California County Health Rankings, carries about 12 micrograms per cubic meter of PM2.5. The average adult inhales about 11,000 liters of air per day, or 11 cubic meters. If you lived outside (stay completely out of buildings) for 24 hours, you would inhale about 132 micrograms of PM2.5. Should you do this for a whole year, your intake would be 48,180 micrograms.

To put this into perspective, the same EPA says smoking a **single cigarette** can expose you to 10,000 to 40,000 micrograms of PM2.5. That means that it would take a non-smoker, living outside 24/7 from 75 to 303 days to inhale as much PM2.5 as smoking a single cigarette. If this smoker smokes 10 cigarettes a day (half a pack) for one year, he would inhale from 36.5 to 146 million micrograms of PM2.5. It would take a non-smoker living only outside in California (never entering a building) between 757 and 3,300 years to inhale that much PM2.5.

An October 2003 study published in the American Medical Association's Archives of Internal Medicine states **the risk of sudden death among those who smoked as long as 10 years was zero!! If you can smoke for 10 years and have a zero chance of sudden death, you can breathe today's air 24/7 in the central valley for 7,500 to 33,000 years with zero risk of sudden death.**

Neither the State Legislature nor CARB should attempt further controls on personal smoking. I believe that individual smoking is another freedom guaranteed by our Constitution. I also believe that the State should not regulate out of existence my personal property without remuneration (per our Constitution). But you are doing this using bought and paid for studies that have long since been disproved. *The Federal EPA has just announced that they cannot supply the data or verify the veracity of the same PM studies used by you to impose regulations on diesel engines. And now we have two of the most recent studies that totally debunk the concept of PM caused premature death in California;*

<http://junkscience.com/2013/09/03/study-ozone-not-linked-with-asthma-hospitalizations-in-major-california-hospital-system/>

<http://junkscience.com/2013/12/26/epa-air-pollution-scare-debunked-by-best-data-set-ever-assembled-on-particulate-matter-deaths/>

In these studies, Steve Milloy has found there is no California ozone or small particle air pollution correlation with hospital admissions, much less deaths in the state of California for all the counties except the ones he couldn't study because they were so remote and unpopulated that they don't have air pollution monitors. And unlike your "accepted" studies, his data is available for confirmation. But I suspect that, like others submitted to you by industry, you won't read these either. No sense in attempting to find out the truth (or *just use common sense*, for that matter). After all, you view your job is one to REGULATE, regardless of the need. You continue to banter about the negative "health effects" of ozone and PM2.5, using "*trust me science*" while ignoring all the contrary evidence.

So now we are forced to grovel: begging for a bit more time before the rest of our assets are regulated out of existence (see excellent letter from CIAQC dated April 17, 2014). You have already destroyed my previously owned and legal-when-purchased portable engines. You are in process to do the same with my trucks, to be followed by the rest of my off-road diesel fleet. How can you possibly sleep knowing you are spoliating the very industries that made this once great State "The Golden State": construction, trucking and agriculture; all based on statistical noise from observational studies?

But I repeat myself in all the letters previously written to you over the past seven years.

Maybe it's time to report back to the Legislature that your job(s) as directed by them have become supererogatory. You have become the bane of this State, via regulating out of existence the very means of employment and the tax base necessary to support a government: one contractor, one trucker and one farmer at a time. Maybe it's time to apply some good old common sense!

Sincerely,



Norman R. "Skip" Brown  
Owner